

JUL 25 2013

LANCASTER COUNTY  
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO. 13008:     )  
TEXT AMENDMENT TO THE LANCASTER     )  
COUNTY ZONING RESOLUTION, TO AMEND   ) RESOLUTION NO. R-13-0043  
SECTIONS 2.098, 3.011, 15.007, 22.003, AND     )  
22.005, AS PROVIDED IN ATTACHMENT A     )

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2012), the Lancaster County Board of Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission ("Planning Commission"); and

WHEREAS, the Director of Planning has requested a text amendment to the Lancaster County Zoning Resolution by amending Sections 2.098, 3.001, 15.007, 22.003 and 22.005 to add a definition of "Outlot"; to clarify the jurisdictional boundaries of the County Zoning Resolution; to define uses that may be allowed on outlots; to reorganize general provisions for amendments and add a procedure for amendments which are protested; and to remove the requirement for publication of hearing notices in newspapers of neighboring counties, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that adoption of the amendments and additions will more clearly define outlots and the uses allowed on outlots, and will better describe the extraterritorial jurisdiction within the county, and will provide a procedure for protest of amendments to the zoning code where they are not in conformance with the Comprehensive Plan, and remove the requirements for notification in the newspaper of an adjacent county which may cause

unnecessary delays; and

WHEREAS, on June 26, 2013, after public hearing, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation and voted 7 to 0 to recommend approval of said text amendments; and

WHEREAS, on July 30, 2013, the Board of Commissioners of Lancaster County conducted a public hearing regarding said text amendment and voted to approve said amendments.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Sections 2.098, 3.001, 15.007, 22.003 and 22.005 of the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby adopted and approved.

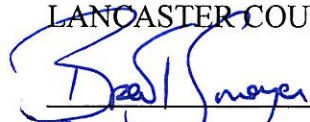



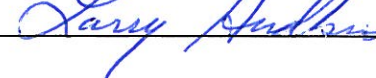
BE, IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendments.

DATED this 30<sup>th</sup> day of July, 2013, in the County-City Building, Lincoln,  
Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 30th day of  
July, 2013.

  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

## ATTACHMENT "A"

### TX13008: Zoning Resolution

#### Article 2: Definitions

2.098. Outlot. A parcel of real property with a separate and distinct outlot designation shown on a final plat recorded in the Office of the Register of Deeds for Lancaster County, Nebraska, and which is reserved for future building or occupancy after replatting and subdivision, or reserved for agricultural use, open space or common facilities.

#### Article 3: Districts and Boundaries

3.011 ~~Three Mile Zone~~ Extraterritorial Jurisdictions. The districts referred to in Article 3 shall apply to all unincorporated areas of the entire County except all of the area laying between the Corporate limits of any city of the Primary Class in the County of Lancaster and three miles distance therefrom, all areas laying between the corporate limits of a city of the first class and two miles distance therefrom, and all of the area laying between the corporate limits of a village or city of the second class and one mile distance therefrom unless otherwise adopted by ordinance of those villages and cities.

#### Article 15: Additional Use Regulations

15.007. Outlots, Permitted Use. An outlot reserved for future building or occupancy after replatting and subdivision may be used for agricultural uses, open space, or common facilities in all zoning districts until such replatting and subdivision occurs. Accessory buildings are not permitted on outlots reserved for future building or occupancy after replatting and subdivision.

An outlot reserved for agricultural uses, open space, or common facilities may be used for such designated use. Buildings that are accessory to the use of an outlot reserved for agricultural uses, open space, or common facilities shall be permitted in all zoning districts.

#### Article 22: General Provisions, Legislative

22.003. Amendments. The County Board may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by resolution the boundaries of districts of regulations, or restrictions herein established.

a) Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Lincoln-Lancaster County Planning Commission for its recommendations and report. The Planning Commission's report shall contain the findings of the Commission regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the comprehensive zoning plan of the County of Lancaster.

b) After the recommendations and report of the Commission has been filed, the County Board shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving notice of the time and place of such hearing. In the event the proposed amendment or change is denied by the County board, no new request

shall be made for the same of a substantially similar amendment or change within one (1) year of said denial thereof.

c) In case of

- 1) a protest against such proposed amendment, supplement, change, modification or repeal, signed by the owners of twenty percent (20%) or more either of the area
  - a) of the lots included in such proposed change, or
  - b) of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or
  - c) to those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots;

and

- 2. such change is not in accordance with the Lincoln and Lancaster County Comprehensive Plan,

such amendment(s) shall not become effective except by the favorable vote of two-thirds majority of the County Board.

d)The applicant may withdraw a request for an amendment at any time before notice of the public hearing before the County Board is given by publication in a daily newspaper having a general circulation in the City of Lincoln and Lancaster County. After such notice of public hearing has been given, the application may only be withdrawn with the approval of the County Board. (Resolution No. 4842, February 11, 1992; Resolution R-07-0016, March 13, 2007)

22.005. Notice of Hearing. Hearing required under articles 13, 19 and 22 of this resolution shall not be held until further notice thereof has been given in compliance with the following provisions:

a) A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be of a size and type approved by the County Board. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least eight (8) consecutive days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such posted notice prior to such hearing. (Resolution No. 5375, September 19, 1996)

b) At least eight (8) days before the date of the hearing, the Planning Director, on behalf of the County Board, shall have published one time in a daily newspaper having a general circulation in the City of Lincoln and Lancaster, ~~and in a newspaper of any county which has territory within three miles of the property affected by such action of the County Board;~~ a notice of the time, place and subject of such hearing. Notice of the time and place of such hearing shall also be given in writing to the Chair of the municipal, county or joint planning commission, which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. (Resolution No. 5337, June 11, 1996)

c) It shall not be necessary to give further notice of adjourned or continued meetings.

d) When a proposed amendment will affect the zoning or use of specific property, a notice describing the Planning Commission's public hearing shall be mailed at least ten (10) working

days prior to the Planning Commission's public hearing to the owner or owners of the affected property and to the following:

- 1) AG District: to all owners of property within one (1) mile of the boundaries of said tract or,
- 2) All other districts: to all owners of property within one-half (1/2) mile of the boundaries of said tract.

Such notice is not mandatory or required as a condition precedent to any such hearing.  
(Resolution No. 4431, November 15, 1988; Resolution R-07-0016, March 13, 2007)